

Message Text

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ACTION L-02

INFO OCT-01 ARA-06 ISO-00 SCA-01 RSC-01 SNM-02 SY-04

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FM AMEMBASSY BRASILIA

TO SECSTATE WASHDC 6234

INFO DEPT OF JUSTICE WASHDC

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AMEMBASSY MONTEVIDEO

AMEMBASSY CARACAS

LIMITED OFFICIAL USE BRASILIA 8268

E. O. 11652: N/A

TAGS: SNAR, BR

SUBJECT: NARCOTICS: EXTRADITION FRANCISCO ULISES SCOCOZZA-
VALIENTE

1. IN SUPREME COURT (STF) MEETING IN BRASILIA OCTOBER 30, 1974, JUSTICE ALIOMAR BALEEIRO, AFTER EXPRESSING SOME DISAGREEMENT WITH RAPPOREUR JUSTICE LEITAO DE ABREU REGARDING CONCEPT OF CRIME OF CONSPIRACY IN U.S. AND ITS EQUIVALENT IN BRAZILIAN LAW, AGREED WITH RAPPOREUR THAT CRIME OF WHICH SCOCOZZA-VALIENTE IS BEING ACCUSED IN U.S. IS ALSO PROVIDED FOR IN CURRENT BRAZILIAN LEGISLATION.

2. REGARDING IDENTIFICATION OF SCOCOZZA-VALIENTE, JUSTICE BALEEIRO REQUESTED THAT THREE ACTIONS THAT HE DEEMS ESSENTIAL FOR HIM TO FORM OPINION FAVORABLE TO EXTRADITION OF SUBJECT, BE TAKEN;

A. THAT SCOCOZZA-VALIENTE'S FINGERPRINTS BE TAKEN BY BRAZILIAN AUTHORITIES AND COMPARED WITH PRINTS FURNISHED BY URUGUAYAN AUTHORITIES.

B. THAT PHOTOGRAPH OF THE INDIVIDUAL WHO IS
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IN BRASILIA AND WHOSE EXTRADITION IS BEING

REQUESTED BY THE U.S. BE COMPARED WITH THE
PHOTOGRAPH OF HIS BROTHER WHO IS IN URUGUAY, IN
ORDER TO DETERMINE THE DIFFERENCES IN PHYSICAL
FEATURES; AND

C. THAT HIS HANDWRITING IN THE FILES OR ELSEWHERE BE
COMPARED WITH SCOCOZZA-VALIENTE'S SIGNATURE PROVIDED
BY URUGUAYAN AUTHORITIES.

3. ALTHOUGH ACTION (A) ABOVE HAD ALREADY BEEN
REQUESTED BY U.S. LAWYERS AND DENIED BY SUPREME
COURT RAPPOREUR BECAUSE HE FOUND IT UNNECESSARY,
STF MINISTERS UNANIMOUSLY APPROVED MINISTER
BALEEIRO'S REQUEST, FOLLOWING SUPREME COURT
TRADITION IN SUCH CASES. A PERIOD OF 30 DAYS
HAS BEEN ESTABLISHED FOR ACTIONS TO BE COMPLETED.

4. NOTWITHSTANDING GREAT CAUTION BEING ADOPTED BY
BRAZILIAN SUPREME COURT IN HANDLING SCOCOZZA-VALIENTE'S
CASE, EMBASSY IS OPTIMISTIC THAT FINAL DECISION WILL
BE IN FAVOR OF U.S. REQUEST.
CRIMMINS

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